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CLERK OF COURT

OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA
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August 23, 2000

IN RE: FREELANCE COURT REPORTER NEEDS

To whom it may concern:

The purpose of this letter is to determine interest in providing freelance court reporting services to the Northern District of Oklahoma. The Northern District of Oklahoma utilizes freelance court reporting services on occasions when staff reporters are not available.


We are now in the process of developing a list of freelance reporters to use in fiscal year 2001 (October 1st - September 30th). The Northern District of Oklahoma utilizes freelance court reporters on an average of two days a week in full and half day increments.

Court reporters that would be interested in working on a freelance basis should read the attached materials that outline the responsibilities and regulations in regards to reporting in the federal court system. If interested complete and return the Reporters biographical information sheet to the address indicated above, to the attention of Mark C. McCartt, Chief Deputy Clerk, by September 22, 2000.

If you have any questions please feel free to contact me.

Very truly yours,

PHIL LOMBARDI, CLERK


Mark C. McCartt, Chief Deputy

**REPORTER'S BIOGRAPHICAL INFORMATION SHEET
COMPLETE ONE PER REPORTER**

Date _____

Firm: _____

Reporter's Name: _____ (reporter must sign at bottom of page)

Certificate Title*, Registration Number & Date Received: (MUST attach photocopy) _____

Grantor and city, state, conferred: _____

Experience. Begin with most recent position. List all positions related to performance of court reporting duties. Include average number of hours worked per week for each reference. Attach additional sheets if needed.

Name, Address, Phone# of Employer: _____

Employed From: _____ To: _____

Description of Duties: _____

Name, Address, Phone# of Employer: _____

Employed From: _____ To: _____

Description of Duties: _____

Name, Address, Phone# of Employer: _____

Employed From: _____ To: _____

Description of Duties: _____

Additional Information/References: _____

By signing below, I certify that the above information is complete and correct, and that I intend to provide services for the above firm under the conditions indicated in the attached Contract Court Reporter Information Sheet.

Reporter Signature _____

Date _____

Introduction

The following information is intended to be applicable to all freelance court reporters. This document covers those issues most routinely encountered by court reporters who are new to the federal system.

Qualifications

The court will attempt to offer temporary court reporter work to the most qualified court reporters. It is advantageous to possess state certification as well as other documented proficiency, e.g. RPR, Registered Merit Reporter (RMR), and Real-time Certification.

Authorities

All court reporters working at the U.S. District Court do so with the understanding that they are responsible for knowing and adhering to all governing authorities. There are several authorities dealing with court reporting. Attached are some of the below mentioned authorities. Complete versions of any of the authorities may be borrowed from the the court or viewed on our public web site at www.oknd.uscourts.gov. These authorities include the following:

Federal Rules of Civil, Criminal and Appellate Procedures.

The Administrative Office Court Reporter's Desk Book.

Northern District of Oklahoma Court Reporter Plan

Local Rules for the Northern District of Oklahoma

Dress Code

Court Reporter attire should be as formal as those appearing before the court. Business style of dress is highly preferred. Denim, tee shirts, and other casual attire are not to be worn in courtrooms.

Work Hours

Although normal working hours for court are 8:30 to 5:00 on occasion it is necessary for freelance reporters to work beyond these parameters. Any appearance contracted between the hours of 8:00 a.m. and 1:00 p.m., or 12:00 noon and 5:30 p.m. will be considered a "half day." A whole day shall be defined as five hours appearance in any day or any work done in both the morning and afternoon on the same day.

Compensation

This federal court compensates freelance reporters based on the schedule below: Overtime shall be paid at a hourly rate for any work performed after 5:30 pm.

Compensation is typically: \$180.00 for a full day
 90.00 for a half day
 25.00 hourly overtime rate

Freelance reporters should submit an invoice to the clerk's office within seven days of the date worked. The invoice must be on the court approved claim form (see AO-336 attached) which can be obtained from the clerk's office or downloaded from our public web site at www.oknd.uscourts.gov. Forms which are incomplete, illegible, or inaccurate will be returned to the freelance reporter for correction.

Original Notes and Tapes

Title 28 § 753 states in part:

"The reporter or other individual designated to produce the record shall attach his official certificate to the original shorthand notes or other original records so taken and promptly file them with the clerk who shall preserve them in the public records of the court for not less than 10 years".

Hence, all original court reporter notes, tapes, etc. must be provided to the clerk for storing in the courthouse. At the end of each day the reporter should provide their certified notes, tapes, etc. to the courtroom deputy. The notes can be "checked out" from the clerk's office at any time for the production of transcripts. All notes and tapes shall be marked with the reporter's name and date of hearing.

Case Files

Title 18 U.S.C. Section 2071 states that no court file may be removed from the Clerk's Office. Freelance court reporters may view case files in the main clerk's office, or may view particular pleadings on the RACER system available on the court's public web site.

Transcripts

One of the primary responsibilities of the court reporter is to provide a transcript of court proceedings upon the request of a party or order of court. The reporter must also automatically provide a transcript or an electronic sound recording of all arraignments, pleas, and proceedings in connection with the imposition of sentence in criminal cases. To avoid the task of transcribing arraignments, pleas, or sentencings for no fee, freelance reporters are invited to electronically record these hearings and file the labeled tape with the original court reporter notes. All tapes shall be deposited with the court as described earlier. Absent a tape, the freelance reporter must transcribe all arraignments, pleas, and sentencings at no charge to the court.

Court Copy - The reporter shall promptly deliver to the clerk for the records of the court an original transcript for filing from any transcript made, within 3 working days after delivery to the requesting party at no cost to the court.

Bills - The court is charged with the responsibility of monitoring all bills for transcripts produced. Therefore, all freelance reporters shall forward a copy of every bill with the original transcript for filing. The bill should be on the court approved (see AO-44 attached) form available from the clerk's office or on our public web site.

Format - All transcripts should be formatted in the manner prescribed by the Administrative Office. Attached is a copy of the format guidelines.

Rates - The judicial conference of the United States has approved the following rate schedule for transcripts

Ordinary (Within 30 days)	Original - \$3.00	Copy - .75	Add'l copy - .50
Expedited (Within 7 days)	Original - \$4.00	Copy - .75	Add'l copy - .50
Daily	Original - \$5.00	Copy - 1.00	Add'l copy - .75
Hourly	Original - \$6.00	Copy - 1.00	Add'l copy - .75

Items not chargeable -	Copy filed with the court	Judge's copy
	Regular Postage	Covers
	Certification	

Court Ordered Transcript - Any transcript order from an employee of the court for which the reporter intends to bill, must be accompanied by a written request signed by the requesting judicial officer. Said written request may be in any form including a minute order. Current policy requires a copy of this request to be submitted with the reporter's bill to the court for payment from the court.

Extension of Time - If a reporter finds it necessary to request an Extension of Time to file an appeal transcript, the reporter must do so prior to the established due date. The procedures outlined in Appendix B of the 10th Circuit Rules should be followed. The 10th Circuit rules are available at the clerk's office or at their website at www.ck10.uscourts.gov.

Hearing Under Seal - Any hearing which was ordered by a judge to be UNDER SEAL may only be produced for the parties involved in the hearing. In order to produce a transcript for anyone else the hearing must first be declared UNSEALED via written order from the judge. It is the responsibility of counsel to present a motion to the court requesting such an order. The court's copy of the transcript should be clearly marked "SEALED".

Relocation - Each private freelance reporter is responsible for transcript production of hearings he/she reported for 10 years in civil cases and 20 years for some criminal matters. Hence it is also the duty of the freelance reporter to maintain current address changes with the court reporter supervisor to facilitate expeditious transcript production. Failure to comply with this rule could result in the issuance of an Order to Show Cause why the reporter should not appear before the presiding judicial officer to explain his/her lack of compliance.

Appellate Procedures

The Tenth Circuit Court of Appeals, which depends upon coordination with several district courts, has established policies for producing appellate transcripts.

Financial Arrangements - The court reporter is initially notified via Copy Two and Copy Three of the Transcript Designation and Ordering Form (see attached TD&O) from appellant's counsel. At this time contact should be made by one or the other to make financial arrangements. The court should be notified that the financial arrangements have been made by filling in the lower portion, Section B, of Copy Two and delivering it to the court. Unless stated otherwise appeal transcripts are due 30 days after satisfactory financial arrangements are made in criminal cases and 60 days in civil cases.

Criminal - In criminal cases in the event the defendant has appointed counsel the attorney will coordinate the preparation of a Form CJA-24 voucher (see attached sample of form). This original voucher form will be sent to the freelance reporter. This reporter must return this original form for transcript payment when filing the original transcript with the court.

If the defendant is represented by an Assistant Federal Public Defender (FPD) contact should be made to secure an estimate for transcript production. A written request will then be provided by the FPD's Office to the freelance reporter concluding financial arrangements.

If the appealing party is the U.S. Attorney they will make the financial arrangements. A "DCN" number should be obtained from the U.S. Attorney's Office and notated on your invoice. With any of these events, receipt of a CJA-24 or a DCN number financial arrangements are deemed made.

In multi-defendant cases involving CJA defendants, no more than one transcript should be purchased from the court reporter on behalf of CJA defendants. This policy does not preclude the furnishing of duplication services by the court reporter at the commercially competitive rate, currently .10¢ per page. In the event the court reporter declines providing such duplication service, he/she will promptly notify the court.

Civil - In civil cases financial arrangements are deemed made when the reporter is satisfied that an agreement for payment has been made. This includes anything from a verbal promise to a check clearing the bank. The court reporter also has the right to request the entire payment for transcript production before commencing work. Please note that the court cannot intercede in the collection of any transcript payments owed to court reporters or transcribers.

When filing appellate transcripts the reporter must attach copy three of the TD&O. If the reporter does not receive Copy Three from counsel, a note attached to the original transcript identifying it as an APPEAL will suffice.

INSTRUCTIONS

Use this form for compensation and to report hours claimed by contract court reporters. This form is designed to support payments made to contract court reporters and to collect data on their utilization.

General:

This form is to be completed by the contract court reporter with the assistance of the clerk of court's office to support a request for payment to the contract court reporter. Bankruptcy courts and district courts are given an allocation of funds by the Administrative Office at the beginning of each fiscal year to pay contract court reporters. The allotment is communicated to the clerks of court with fund codes which are to be listed by the disbursing officer in the accounting classification block. The computation of the court reporter's compensation shall be in accordance with the contract cited on this voucher which should be governed by the prevailing rate paid in that district. Please note that payment for court reporter services provided senior judges, bankruptcy judges, magistrate judges, and land commissioners should be made on separate vouchers.

Payee Information:

Provide the complete name and address of the contractor submitting the claim. If the contractor employs a reporter, insert the name of the reporter in the block designated for Attending Reporter. If several reporters are used, insert an asterisk (*) in the Attending Reporter block and enter each reporter's name under Column 8 on the line which indicates the date the services were performed and the presiding judicial officer who was serviced. A taxpayer identifying number must be supplied unless payment will be made to a corporation. The laws of the United States require the court reporter to furnish his or her taxpayer identifying number to the Director of the Administrative Office IRC § 6109, 26 CFR § 301. 6109-1(c) (1978).

Presiding Judicial Officer:

Insert the last name of the presiding judicial officer, his or her statistical code number, and the location code number of the court where the hearings were held.

Hours and Amounts Claimed:

In Columns 5 and 6, enter the actual time in court for each day court reporting services were provided, for example 8:30 to 11:30 a.m.; 1:45 to 5:30 p.m. On any day that a court is unable to cancel the Reporting Service Order (RSO) on or before the preceding working day (as stated in the contract) and compensation is claimed, insert "U/C" in Column 5 and/or 6. The maximum compensation allowed for a cancelled Reporting Service Order is a half-day rate.

In Column 9, provide the amount of compensation which is claimed. Attendance by the reporter at both the morning and afternoon court sessions, regardless of time spent, shall constitute a full day and the reporter shall be entitled to a full-day attendance fee. Attendance by the reporter at any morning or afternoon court session, regardless of time spent, shall constitute a half day to which the reporter will be entitled to a half-day attendance fee. When the court is unable to cancel a Reporting Service Order (RSO), the reporter is entitled to a half-day attendance fee, maximum (morning and/or afternoon sessions). To support the claim for compensation, the contractor's invoice should be attached to the voucher.

Other Compensation (Including Travel Expenses):

This space is provided for recording the different adjustments, including travel expenses, which would affect the total payment to the reporter, and overtime claims in addition to the daily rate. Other adjustments may include any or all of the following items: Payment for reporting services outside the principal period of service; disallowance in reporting fees for failure to appear; and prompt payment discount, if any. Explanation of the amount to be paid or to be deducted should be provided in the space or on an attached sheet, if additional space is necessary.

Relative to payment of overtime, the contractor should provide the *date* and *time* for which overtime services were provided in Column 7.

Relative to travel expenses, the contractor should file a Standard Form 1012, Travel Voucher, completed by the court reporter and certified by the clerk of court or his designee, for reimbursement of travel expenses. Both the travel allowance and subsistence allowance will be allowed in the same manner as for employees of the Judicial Branch. The amount claimed for reimbursement should be set forth

UNITED STATES DISTRICT COURT

For the _____ District of _____

INVOICE

NUMBER _____

TO:

NOTE
MAKE CHECK PAYABLE TO:

PHONE:

PHONE:

TRANSCRIPTS

☐ CRIMINAL

☐ CIVIL

DATE ORDERED _____

DATE DELIVERED _____

IN THE MATTER OF _____

CHARGES

CATEGORY	ORIGINAL			1st COPY			ADDITIONAL COPIES			TOTAL CHARGES
	PAGES	PRICE @	SUB TOTAL	PAGES	PRICE @	SUB TOTAL	PAGES	PRICE @	SUB TOTAL	
Ordinary										
Expedited										
Daily										
Hourly										
TOTAL										
LESS DISCOUNT FOR LATE DELIVERY										
LESS AMOUNT OF DEPOSIT										
TOTAL REFUNDED										
TOTAL DUE										

ADDITIONAL INFORMATION

Full price may be charged only if the transcript is delivered within the required time frame. For example, if an order for expedited transcript is not completed and delivered within seven (7) calendar days, payment would be at the ordinary delivery rate.

CERTIFICATION

I certify that the transcript fees charged and page format used comply with the requirements of this court and the Judicial Conference of the United States.

SIGNATURE OF OFFICIAL COURT REPORTER _____

DATE _____

(All previous editions of this form are cancelled and should be destroyed.)

PART 1 (ORIGINAL) - TO PARTY
PART 2 (YELLOW) - TO PARTY - FOR RETURN WITH PAYMENT
PART 3 (PINK) - COURT REPORTER
PART 4 (BLUE) - COURT REPORTER SUPERVISOR

PART 18.4 Realtime Unedited Transcript.

Realtime unedited transcript sold on computer diskette may be in ASCII format, or any other format requested by the ordering party and agreed to by the court reporter. It should include any notations made to the electronic file by the ordering party during proceedings. Diskettes may not contain any protection or programming codes that would prevent copying or transferring the data. The transcript format guidelines prescribed by the Judicial Conference apply to realtime unedited transcript with the following exceptions:

18.4.1 Realtime unedited transcript must be clearly marked as such with a header or footer which appears at the top or bottom of each page of transcript stating, "Realtime Unedited Transcript Only."

18.4.2 The realtime unedited transcript should not include an appearance page, an index, or a certification.

18.4.3 The diskette label may be of a different color than that used on diskettes containing the text of certified transcript and hand stamped with the words, "Realtime Unedited Transcript Only."

PART 18.5 Paper.

The format standards for paper transcript incorporate government standards for archival materials, as well as assure that all transcript produced in federal courts is produced on the same basis, whether by official staff, contract, or substitute reporters, or by transcription companies.

18.5.1 Size.

Paper size is to be 8-1/2 X 11 inches.

18.5.2 Weight.

The weight of paper is to be at least 13 pounds for both originals and copies.

18.5.3 Type.

The paper type for both originals and copies is to be of chemical wood or better quality.

18.5.4 Color.

White paper is to be used for both originals and copies.

PART 18.6 Ink Color.

Black ink is to be used for both originals and copies.

PART 18.7 Preprinted Marginal Lines.

The use of preprinted solid left and right marginal lines is required. The use of preprinted top and bottom marginal lines is optional. All preprinted lines must be placed on the page so that text actually begins 1-3/4 inches from the left side of the page and ends 3/8 inch from the right side of the page.

PART 18.8 Line Numbers.

Each page of transcription is to bear numbers indicating each line of transcription on the page.

PART 18.9 Typing.

18.9.1 Type Size.

The letter character size is to be 10 letters to the inch. This provides for approximately 63 characters to each line. (Type should be letter quality.)

18.9.2 Number of Lines per Page.

Each page of transcription is to contain 25 lines of text. The last page may contain fewer lines if it is less than a full page of transcription. Page numbers or notations cannot be considered part of the 25 lines of text.

An exception to the above requirement of 25 lines of text will be allowed when daily or hourly transcript of jury trials is produced and the exception is approved by the presiding judicial officer. The exception allows a page break before and after sidebar conferences, bench conferences, and hearings on motions. Court reporters are required to reduce the page count for billing purposes by one-half page for every page of transcript which includes a sidebar conference, bench conference, or hearing on motions that is marked by such a page break. This modification will make it easier for a judge to provide portions of a transcript to a jury for review.

18.9.3 Margins.

Typing is to begin on each page at the 1-3/4 inch left margin and continue to the 3/8 inch right margin.

18.9.4 Spacing.

Lines of transcript text are to be double spaced.

18.9.5 Upper/Lower Case.

Upper and lower case is preferred but all upper case may be used.

18.9.6 Indentations.

18.9.6.a Q and A. All "Q" and "A" designations shall begin at the left margin. A period following the "Q" and "A" designation is optional. The statement following the "Q" and "A" shall begin on the fifth space from the left margin. Subsequent lines shall begin at the left margin. (See Exhibits 18.9-A through 18.9-E.)

Since depositions read at a trial have the same effect as oral testimony, the indentations for "Q" and "A" should be the same as described above. In the transcript, each question and answer read should be preceded by a quotation mark. At the conclusion of the reading, a closing quotation mark should be used.

18.9.6.b Colloquy. Speaker identification shall begin on the tenth space from the left margin followed directly by a colon. The statement shall begin on the third space after the colon. Subsequent lines shall begin at the left margin.

18.9.6.c Quotations. Quoted material other than depositions shall begin on the tenth space from the left margin, with additional quoted lines beginning at the tenth space from the left margin, with appropriate quotation marks used.

18.9.7 Interruptions of Speech and Simultaneous Discussions.

Interruptions of speech shall be denoted by the use of a dash at the point of interruption, and again at the point the speaker resumes speaking. At the discretion of the transcriber, simultaneous discussions may also be noted in this manner. (See Exhibit 18.9-A, line 19 and Exhibit 18.9-B, line 10.)

18.9.8 Punctuation and Spelling.

Punctuation and spelling shall be appropriate standard usage. For example, if a question in "Q" and "A" is indeed a question, it should be followed by a question mark. (See Exhibits 18.9-C through 18.9-E.)

18.9.9 Page Heading (also known as "Headers").

A page heading is brief descriptive information noted to aid in locating a person and/or event in a transcript. A page heading should be provided on each page of witness testimony; a page heading is optional for other types of persons and/or event notations. Listing the last name of the witness or other party and the type of examination or other event is sufficient. Page headings shall appear above line 1 on the same line as the page number. This information is not to be counted as a line of transcript. (See exhibits 18.9-A through 18.9-E.)

18.9.10 Parentheses.

Parenthetical notations are generally marked by parentheses; however, brackets may be used.

Parenthetical notations shall begin with an open parenthesis on the fifth space from the left margin, with the remark beginning on the sixth space from the left margin. Parentheses are used for customary introductory statements such as call to order of court or swearing in a witness. See paragraph 18.10.2.a below for types of parenthetical notations. Parentheses are also used for indicating non-verbal behavior, pauses, and readback/playback. (See Exhibits 18.9-A through 18.9-E.)

18.9.11 Legibility.

The original transcript and each copy are to be legible without any interlineations materially defacing the transcript.

PART 18.10 Content.

18.10.1 Verbal.

Except as noted below, the transcript shall contain all words and other verbal expressions uttered during the course of the proceeding.

18.10.1.a Striking of Portions of the Proceeding. No portion of the proceeding shall be omitted from the record by an order to strike. Regardless of requesting

party, the material ordered stricken, as well as the order to strike, must all appear in the transcript. (See Exhibit 18.9-A.)

18.10.1.b Editing of Speech. The transcript should provide an accurate record of words spoken in the course of proceedings. All grammatical errors, changes of thought, contractions, misstatements, and poorly constructed sentences should be transcribed as spoken. (See Exhibit 18.9-B, line 8.) In the interest of readability, however, false starts, stutters, uhms and ahs, and other verbal tics are not normally included in transcripts; but such verbalizations must be transcribed whenever their exclusion could change a statement's meaning.

18.10.1.c Reporting of Audio/Video Recordings. Generally, audio/video recordings played in court are entered as an exhibit in a proceeding. Since such recordings are under the direct control of the court, audio/video recordings need not be transcribed unless the court so directs.

18.10.1.d Private Communications and Off the Record Conversations. Private communications and off the record conversations inadvertently recorded should not be included in the transcript. (See Exhibit 18.9-A, line 22.)

18.10.1.e Call to Order, Swearing in, or Affirmation of Witnesses or Jurors. Standard summary phrases shall be used for customary introductory statements such as the call to order of court and the swearing in or affirmation of witnesses. These should appear in parentheses and begin with an open parenthesis on the fifth space from the left margin, with the remark beginning on the sixth space from the left margin.

The following phrases can be employed:

(Call to Order of the Court)

(The Jury Is Sworn)

(The Witness Is Sworn)

(The Witness Is Affirmed)

18.10.1.f Identification of Speaker. All speakers must be properly identified throughout the transcript, initially by their full name, thereafter by the following designations or courtesy titles, in capital letters indented ten spaces from the left margin:

Proper Transcript:

<u>Speaker</u>	<u>Identification</u>
the judge	THE COURT
attorney	MR., MRS., MS., OR MISS + (last name)
witness (in colloquy)	THE WITNESS
interpreter	THE INTERPRETER
defendant (in criminal cases)	THE DEFENDANT

(See Exhibits 18.9-A through 18.9-E.)

18.10.1.g Testimony Through Interpreter. When interpreters are used, it will be assumed that answers are made in a foreign language and interpreted unless a parenthetical "(in English)" is inserted. (See Exhibits 18.9-D and 18.9-E.)

18.10.2 Nonverbal.

18.10.2.a Designation of Portions of Proceedings and Time of Occurrence (Parenthetical Notations). Parenthetical notations in a transcript are a court reporter's or electronic court recorder operator's own words, enclosed in parentheses, recording some action or event. Parenthetical notations should be as short as possible consistent with clarity and standard word usage.

The following parenthetical notations should be used to designate portions of proceedings. Designations requiring a time notation are listed first:

(1) Proceedings Started, Recessed, and Adjourned, with Time of Day and Any Future Date Indicated where Appropriate.

Examples:

(Recess at 11:30 a.m.)

(Recess at 12:30 p.m., until 1:30 p.m.)

(Proceedings concluded at 5 p.m.)

(See Exhibit 18.9-A, line 4 and Exhibit 18.9-D, line 4.)

(2) Jury in/out.

Examples:

(Jury out at 10:35 a.m.)

(Jury in at 10:55 a.m.)

If a jury is involved, it is essential to indicate by the proper parenthetical notation whether the proceeding occurred in the presence of the jury, out of the presence of the jury, out of the hearing of the jury, prior to the jury entering the courtroom, or after the jury left the courtroom.

(3) Defendant Present/Not Present. In criminal trials, this designation must be made if not stated in the record by the judge.

(4) Bench/Side Bar Conferences. This designation should note whether the bench/side bar conference is on or off the record. If all the attorneys in court are not participating in the bench/side bar conference, the parenthetical notation should so indicate.

Examples:

(Bench conference on the record)

(Bench conference off the record with Mr. Smith, Mrs. Jones, and Mr. Adams)

(At side bar on the record)

(At side bar)

(End of discussion at side bar)

(See Exhibit 18.9-A, line 22.)

(5) Discussions off the Record. This designation should note where the discussion took place.

(6) Chambers Conferences. This designation should note the presence or absence of parties in chambers.

Examples:

(Discussion off the record in chambers with defendant not present)

(Discussion on the record in chambers with defendant present)

18.10.2.b Speaker/Event Identification. References to speakers and events that occur throughout proceedings should be properly noted in capital letters and centered on the appropriate line.

Examples:

AFTER RECESS

DIRECT EXAMINATION

CROSS EXAMINATION

REDIRECT EXAMINATION

RE CROSS EXAMINATION

FURTHER REDIRECT EXAMINATION

PLAINTIFF'S EVIDENCE

PLAINTIFF RESTS

DEFENDANT'S EVIDENCE

DEFENDANT RESTS

PLAINTIFF'S EVIDENCE IN SURREBUTTAL

(See Exhibit 18.9-A, lines 7 and 8.)

18.10.2.c Nonverbal Behavior. Pauses. It is the responsibility of the attorneys, as well as the judge in some instances, to note for the record any significant nonverbal behavior, i.e., physical gestures, and lengthy pauses on the part of a

witness. If counsel or the court refers to the witness's affirmative or negative gesture, parenthetical phrases may be used to indicate physical gestures.

Examples:

(Nods head up and down)

(Shakes head from side to side)

(Indicating)

(See Exhibit 18.9-C, line 14.)

18.10.2.d Readback/Playback. All readbacks and/or playbacks, and the party requesting should be noted parenthetically as follows:

(1) If the question and/or answer requested to be read or played back appears on the same page as the request, the following parenthetical should be used:

(The last question and/or answer was read/ played back)

(See Exhibit 18.9-E, line 17.)

(2) If, however, the question and/or answer, or both, appear on a previous page, the court reporter or audio operator should replay or restate the question and/or answer both, in full, with appropriate quotation marks and parentheses. The following parenthetical should be used for playbacks:

(The record was replayed)

18.10.2.e Indiscernible or Inaudible Speech on Electronic Sound Recording. Incomplete records of proceedings are unacceptable in a court of law. It is therefore highly undesirable to have any portion of a transcript labeled "indiscernible" or "inaudible."

Every effort must be made to produce a complete transcript. The indication "inaudible" or "indiscernible" should be used only when it is impossible to transcribe the record.

PART 18.11 Title Page. (See Exhibit 18.11-A.)

18.11.1 Contents.

Each transcript is to include a title page indicating:

- a. Court name.
- b. District.
- c. Case name.
- d. Civil or criminal docket case number.
- e. Name and title of judge or other judicial officer presiding.
- f. Type of proceeding.
- g. Date and time of proceeding.
- h. Volume number (if multi-volume.)
- i. Name and address of each attorney and name of party represented.
- j. Whether a jury was present.
- k. If steno based, court reporter's name, address, and telephone number.
- l. If electronic sound recording equipment based, audio operator's name, plus name, address, and telephone number of transcription company.
- m. Method by which the proceedings were recorded and the method by which the transcript was produced.

Examples:

- Proceedings recorded by mechanical stenography, transcript produced by notereading.
- Proceedings recorded by mechanical stenography, transcript produced by computer.
- Proceedings recorded by shorthand/stenomask, transcript produced from dictation.
- Proceedings recorded by electronic sound recording, transcript produced by transcription service.

18.11.2 Record of Appearance.

Beginning on the title page, the court reporter is to include the complete record of appearances.

18.11.3 Cost.

The court reporter may charge for the title page as a full page of transcript.

PART 18.12 Indexes.

18.12.1 Required.

Each volume is to contain an index which is to be numbered. It is preferable to have the index at the end. The court reporter may charge for the index page as a full page of transcript.

The index shall indicate the pages at which the direct examination, cross-examination, redirect examination, recross-examination, further redirect examination, and the recall of each witness begins. The index shall also indicate on behalf of whom the witness or witnesses were called, such as "PLAINTIFF'S WITNESSES," "WITNESSES FOR THE GOVERNMENT," "DEFENDANT'S WITNESSES," "WITNESSES FOR THE DEFENSE."

A separate table in the index should indicate the page at which any exhibit was marked for identification and received in evidence.

In a protracted case (i.e., a transcript of one thousand pages or more) in addition to the individual index, there may be a master index set forth in its own separate volume, consisting of a compilation of all of the individual indexes. (See Exhibit 18.12-A.)

18.12.2 Keyword.

No charge is permitted additional to the normal page rates for keyword indexing services. No additional charge is permitted for the cost of the diskette itself.

PART 18.13 Numbering.

18.13.1 Pages.

The pages of the transcript are to be numbered in a single series of consecutive numbers for each proceeding, regardless of the number of days involved. The court reporter shall place the page number at the top right corner of the page flush with the right margin above the first line of transcription. The page number does not count as a line of transcript. The pagination of the transcript of the further proceedings in the same matter shall follow consecutively the pagination of earlier proceedings, unless the presiding official directs otherwise.

18.13.2 Volumes.

Multi-volume transcripts should be numbered in either of the following ways:

Each volume of transcript should be numbered consecutively. One volume of transcript should be at least equal to one day of court proceedings. Pages may be numbered consecutively for each volume of transcript, with the cover page of each volume designated page 1. Using this method, page numbers will begin with a volume number followed by the page number.

Examples: 1-14 (Volume 1, page 14)
2-54 (Volume 2, page 54)

If preferred, the pages may be numbered consecutively for an entire multiple-volume transcript.

Examples: 56 (Volume 1, page 56)
521 (Volume 3, page 521)

(See Exhibits 18.9-A through 18.9-E.)

PART 18.14 Cover.

The court reporter is to cover at no charge the original and each copy of transcript with front and back covers of good quality, consisting of white or colored 140 pound index paper, #1 sulphite paper, heavy weight transparent plastic, or similar material as the court approves.

PART 18.15 Punched Holes.

If the court reporter punches transcript with three (3) holes in the left margin, the holes are to be 4-1/4" center to center, with the middle hole centered in the page.

PART 18.16 Fastener.

The court reporter is to secure the transcript for each proceeding separately with a suitable fastener of permanent nature.

PART 18.17 Certification.

The court reporter or transcriber is to authenticate the original transcript and each copy with a certification on the last page. No additional fee is to be charged for the authentication and the certification. The certification is to appear on the last page of each volume of transcript.

If more than one court reporter or transcriber is involved in the production of the transcript being certified, then the certifications of each court reporter or transcriber involved shall be required at the end of each volume. (Note: The contents of the title page should not be repeated as part of the certification.)

A rubber stamp may be used to save time and space.

Sample Certification:

18.17.1 Stenography/Stenomask.

"I (we) certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter."

Signature of Court Reporter/
Transcriber

Date

Typed or Printed Name

18.17.2 Transcriber's Certification for Another's Notes

"I (we) certify that the foregoing is a true and correct transcript, to the best of my ability, of the above pages, of the stenographic notes provided to me by the court name, of the proceedings taken on the date and time previously stated in the above matter. I (we) further certify that I am neither counsel for, related to, nor employed by any of the parties to the action in which this hearing was taken, and further that I am not financially nor otherwise interested in the outcome of the action."

Signature of Transcriber

Date

Typed or Printed Name

18.17.3 Electronic Sound Recording.

"I (we), court approved transcriber(s), certify that the foregoing is a correct transcript from the official electronic sound recording of the proceedings in the above-entitled matter."

Signature of Approved Transcriber

Date

Typed or Printed Name

PART 18.18 Copies.

Transcript copies may be reproduced by any method of reproduction which produces black text on white paper. There may be no markings on the original or copies that would hinder the clear reproduction by mechanical means by any court official or party.

PART I - TO BE COMPLETED BY APPELLANT WITHIN TEN DAYS OF FILING THE NOTICE OF APPEAL

SHORT TITLE: _____ DISTRICT: _____
 DISTRICT COURT NUMBER: _____ CIRCUIT COURT NUMBER: _____
 NAME OF ATTORNEY: _____
 NAME OF LAW FIRM: _____
 ADDRESS OF FIRM: _____
 TELEPHONE OF FIRM: _____ ATTORNEYS FOR: _____
 NAME OF COURT REPORTER: _____ TELEPHONE OF REPORTER: _____

PART II - COMPLETE SECTION A OR SECTION B**SECTION A - I HAVE NOT ORDERED A TRANSCRIPT BECAUSE**

- ☐ A TRANSCRIPT IS NOT NECESSARY FOR THIS APPEAL, OR
☐ THE NECESSARY TRANSCRIPT IS ALREADY ON FILE IN DISTRICT COURT
☐ THE NECESSARY TRANSCRIPT WAS ORDERED PREVIOUSLY IN APPEAL
 NUMBER _____

SECTION B - I HEREBY ORDER THE FOLLOWING TRANSCRIPT:

(SPECIFY THE DATE AND PROCEEDING IN THE SPACE BELOW)

VOIR DIRE: _____; OPENING STATEMENTS: _____;
 TRIAL PROCEEDINGS: _____; INSTRUCTION CNF: _____;
 JURY INSTRUCTIONS: _____; CLOSING ARGUMENTS: _____;
 POST TRIAL MOTIONS: _____; OTHER PROCEEDINGS: _____

(ATTACH ADDITIONAL PAGES IF NECESSARY)

☐ APPELLANT WILL PAY THE COST OF THE TRANSCRIPT.

MY SIGNATURE ON THIS FORM IS MY AGREEMENT TO PAY FOR THE TRANSCRIPT ORDERED ON THIS FORM.

☐ THIS CASE IS PROCEEDING UNDER THE CRIMINAL JUSTICE ACT.

NOTE: LEAVE TO PROCEED *IN FORMA PAUPERIS* DOES NOT ENTITLE APPELLANT TO A FREE TRANSCRIPT. AN ORDER OF THE DISTRICT COURT ALLOWING PAYMENT FOR THE TRANSCRIPT AT GOVERNMENT EXPENSE MUST BE OBTAINED. SEE 28 U.S.C. §753(f).

CERTIFICATE OF COMPLIANCE

I CERTIFY THAT I HAVE READ THE INSTRUCTIONS ON THE REVERSE OF THIS FORM AND THAT COPIES OF THIS TRANSCRIPT ORDER FORM HAVE BEEN SERVED ON THE COURT REPORTER (IF TRANSCRIPT ORDERED), THE CLERK OF U.S. DISTRICT COURT, ALL COUNSEL OF RECORD OR PRO SE PARTIES, AND THE CLERK OF THE U.S. COURT OF APPEALS FOR THE TENTH CIRCUIT. I FURTHER CERTIFY THAT SATISFACTORY ARRANGEMENTS FOR PAYMENT FOR ANY TRANSCRIPT ORDERED HAVE BEEN MADE WITH THE COURT REPORTER(S).

SIGNATURE OF ATTORNEY/PRO SE: _____ DATE: _____

PART III - TO BE COMPLETED BY THE COURT REPORTER

UPON COMPLETION, PLEASE FILE ONE COPY WITH THE CLERK OF THE U.S. COURT OF APPEALS AND ONE COPY WITH THE CLERK OF THE U.S. DISTRICT COURT.

DATE ARRANGEMENTS FOR PAYMENT COMPLETED: _____

ESTIMATED COMPLETION DATE: _____

ESTIMATED NUMBER OF PAGES: _____

I CERTIFY THAT I HAVE READ THE INSTRUCTIONS ON THE REVERSE SIDE AND THAT ADEQUATE ARRANGEMENTS FOR PAYMENT HAVE BEEN MADE.

SIGNATURE OF COURT REPORTER: _____ DATE: _____

TRANSCRIPT ORDER FORM

DIRECTIONS FOR USING THIS FORM

THIS FORM REQUIRES MULTIPLE DISTRIBUTION, SERVICE AND FILING. THE RESPONSIBILITIES OF EACH PARTY AND THE COURT REPORTER ARE DESCRIBED BELOW.

1. APPELLANT

WHETHER OR NOT A TRANSCRIPT IS ORDERED, APPELLANT OR HIS COUNSEL MUST COMPLETE PART I AND PART II OF THIS FORM. UPON COMPLETION, APPELLANT MUST SERVE A COPY ON:

- A. THE COURT REPORTER (IF A TRANSCRIPT IS ORDERED),
- B. ALL PARTIES,
- C. THE CLERK OF THE U.S. DISTRICT COURT, AND
- D. THE CLERK OF THE U.S. COURT OF APPEALS.

IF A TRANSCRIPT IS ORDERED, THE APPELLANT MUST OBTAIN EXECUTION OF THIS FORM BY THE COURT REPORTER(S) WHO RECORDED THE PROCEEDINGS. WITHIN THE TEN DAY PERIOD ALLOWED FOR ORDERING THE TRANSCRIPT UNDER FED. R. APP. P. 10(b)(1), APPELLANT MUST MAKE ADEQUATE ARRANGEMENTS FOR PAYMENT FOR THE TRANSCRIPT. THE COURT REPORTER MAY REQUIRE A DEPOSIT EQUAL TO THE FULL ESTIMATED COST OF THE TRANSCRIPT. 28 U.S.C. §753(f).

UNLESS THE ENTIRE TRANSCRIPT IS ORDERED, APPELLANT SHALL SERVE ON ALL APPELLEES A STATEMENT OF THE ISSUES HE INTENDS TO PRESENT ON APPEAL. FED. R. APP. P. 10(b)(3). THE DOCKETING STATEMENT REQUIRED BY 10TH CIR. R. 3.4 FULFILLS THIS REQUIREMENT.

THOSE PORTIONS OF THE TRANSCRIPTS THAT ARE FILED THAT ARE PERTINENT TO THE APPEAL MUST BE INCLUDED IN APPELLANT'S APPENDIX OR, IN CASES WHERE COUNSEL IS APPOINTED, DESIGNATED FOR INCLUSION IN THE RECORD ON APPEAL. 10TH CIR. R. 10.2.2, 10.3.2(d) AND 30.1.1.

2. APPELLEE

UNLESS THE ENTIRE TRANSCRIPT IS ORDERED, APPELLEE MAY, WITHIN TWENTY DAYS OF FILING OF THE NOTICE OF APPEAL, FILE AND SERVE ON APPELLANT A DESIGNATION OF ADDITIONAL TRANSCRIPT TO BE INCLUDED. IF, WITHIN TEN DAYS, APPELLANT DOES NOT ORDER AND PAY FOR THE TRANSCRIPT SO DESIGNATED, APPELLEE MAY, WITHIN A FURTHER TEN DAYS, ORDER AND PAY FOR THE TRANSCRIPT OR MOVE IN THE DISTRICT COURT FOR AN ORDER COMPELLING APPELLANT TO DO SO. FED. R. APP. P. 10(b)(3).

3. COURT REPORTER

AFTER RECEIPT OF THIS FORM AND AFTER SATISFACTORY FINANCIAL ARRANGEMENTS HAVE BEEN MADE, THE COURT REPORTER SHALL CERTIFY THE DATE THE TRANSCRIPT WAS ORDERED AND ESTIMATE THE DATE IT WILL BE COMPLETED. THE ESTIMATED COMPLETION DATE MUST COMPLY WITH THE TENTH CIRCUIT JUDICIAL COUNCIL'S MANDATED DISTRICT COURT COURT REPORTER MANAGEMENT PLANS. TRANSCRIPTS IN A CRIMINAL CASE (INCLUDES 28 U.S.C. §§2241, 2254, 2255) SHALL BE FILED WITHIN 30 DAYS OF THE DATE ARRANGEMENTS FOR PAYMENT ARE MADE. TRANSCRIPTS IN A CIVIL CASE SHALL BE FILED WITHIN 60 DAYS OF THE DATE ARRANGEMENTS FOR PAYMENT ARE MADE. COURT REPORTERS ARE SUBJECT TO A MANDATORY FEE REDUCTION IF TRANSCRIPTS ARE NOT TIMELY FILED. SEE APPELLATE TRANSCRIPT MANAGEMENT PLAN FOR THE TENTH CIRCUIT, 10TH CIR. R., APP. B.

THE COMPLETED FORM MUST BE SERVED ON:

- A. THE CLERK OF THE DISTRICT COURT AND
- B. THE CLERK OF THE COURT OF APPEALS.

1. CIR./DIST./DIV. CODE		2. PERSON REPRESENTED			VOUCHER NUMBER		
3. MAG. DKT./DEF. NUMBER		4. DIST. DKT./DEF. NUMBER		5. APPEALS DKT./DEF. NUMBER		6. OTHER DKT. NUMBER	
7. IN CASE/MATTER OF (Case Name)		8. PAYMENT CATEGORY		9. TYPE PERSON REPRESENTED		10. REPRESENTATION TYPE (See Instructions)	
		<input type="checkbox"/> Felony <input type="checkbox"/> Petty Offense <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Other <input type="checkbox"/> Appeal		<input type="checkbox"/> Adult Defendant <input type="checkbox"/> Appellant <input type="checkbox"/> Juvenile Defendant <input type="checkbox"/> Appellee <input type="checkbox"/> Other			
11. OFFENSE(S) CHARGED (Cite U.S. Code, Title & Section) <i>If more than one offense, list (up to five) major offenses charged, according to severity of offense.</i>							
REQUEST AND AUTHORIZATION FOR TRANSCRIPT							
12. PROCEEDING IN WHICH TRANSCRIPT IS TO BE USED (Describe briefly)							
13. PROCEEDING TO BE TRANSCRIBED (Describe specifically). NOTE: The trial transcripts are not to include prosecution opening statement, defense opening statement, prosecution argument, defense argument, prosecution rebuttal, voir dire or jury instructions, unless specifically authorized by the Court (see Item 14).							
14. SPECIAL AUTHORIZATIONS							JUDGE'S INITIALS
A. Apportioned Cost _____ % of transcript with (Give case name and defendant)							
B. <input type="checkbox"/> Expedited <input type="checkbox"/> Daily <input type="checkbox"/> Hourly Transcript <input type="checkbox"/> Realtime Unedited Transcript							
C. <input type="checkbox"/> Prosecution Opening Statement <input type="checkbox"/> Prosecution Argument <input type="checkbox"/> Prosecution Rebuttal <input type="checkbox"/> Defense Opening Statement <input type="checkbox"/> Defense Argument <input type="checkbox"/> Voir Dire <input type="checkbox"/> Jury Instructions							
D. In this multi-defendant case, commercial duplication of transcripts will impede the delivery of accelerated transcript services to persons proceeding under the Criminal Justice Act.							
15. ATTORNEY'S STATEMENT As the attorney for the person represented who is managed above, I hereby affirm that the transcript requested is necessary for adequate representation. I, therefore, request authorization to obtain the transcript services at the expense of the United States pursuant to the Criminal Justice Act. <hr/> Signature of Attorney Date <hr/> Printed Name Telephone Number: _____ <input type="checkbox"/> Panel Attorney <input type="checkbox"/> Retained Attorney <input type="checkbox"/> Pro-Se <input type="checkbox"/> Legal Organization				16. COURT ORDER Financial eligibility of the person represented having been established to the Court's satisfaction the authorization requested in Item 15 is hereby granted. <hr/> Signature of Presiding Judicial Officer or By Order of the Court <hr/> Date of Order Nunc Pro Tunc Date			
CLAIM FOR SERVICES							
17. COURT REPORTER/TRANSCRIBER STATUS <input type="checkbox"/> Official <input type="checkbox"/> Contract <input type="checkbox"/> Transcriber <input type="checkbox"/> Other				18. PAYEE'S NAME (First Name, M.I., Last Name, including any suffix), AND MAILING ADDRESS Telephone Number: _____			
19. SOCIAL SECURITY NUMBER OR EMPLOYER ID NUMBER OF PAYEE							
20. TRANSCRIPT	INCLUDE PAGE NUMBERS	NO. OF PAGES	RATE PER PAGE	SUB-TOTAL	LESS AMOUNT APPORTIONED	TOTAL	
Original							
Copy							
Expense (Itemize)							
TOTAL AMOUNT CLAIMED:							
21. CLAIMANT'S CERTIFICATION OF SERVICE PROVIDED I hereby certify that the above claim is for services rendered and is correct, and that I have not sought or received payment (compensation or anything of value) from any other source for these services. Signature of Claimant/Payee _____ Date _____							
ATTORNEY CERTIFICATION							
22. CERTIFICATION OF ATTORNEY OR CLERK I hereby certify that the services were rendered and that the transcript was received. <hr/> Signature of Attorney or Clerk Date							
APPROVED FOR PAYMENT — COURT USE ONLY							
23. APPROVED FOR PAYMENT <hr/> Signature of Judicial Officer or Clerk of Court Date						24. AMOUNT APPROVED	

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

F I L E D

AUG 16 1995

Richard M. Lawrence, Clerk
U.S. DISTRICT COURT

IN THE MATTER OF
COURT REPORTERS

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M-128-C

COURT REPORTER MANAGEMENT PLAN

Supervision and Implementation.

The Clerk of this Court is hereby designated and fully empowered to perform all supervisory, administrative and oversight functions hereinafter set forth. In addition, the Clerk shall periodically advise the Court regarding the effectiveness and equity of work distribution of court reporting services provided pursuant to this Rule.

Appointment and Retention of Court Reporters.

Court Reporters shall be appointed in accordance with the provisions of the Court Reporter Act, 28 U.S.C. §753, and the procedures of the Administrative Office of the United States Courts. No Reporter shall be appointed, nor serve as a contractual or replacement Court Reporter, unless that Reporter is fully qualified under the standards adopted by the Judicial Conference of the United States Courts.

Court Reporters are employed by the Court en banc and shall retain their employment at the will of the Court en banc, regardless of the death, resignation or retirement of an individual Judge. If the volume of work does not justify retention of the full complement of existing Court Reporters, a reduction shall be accomplished through relocation, attrition or in the last instance by termination upon notice of not less than sixty (60) days. Selection for retention shall be based upon merit.

Assignment and Availability.

Court Reporters shall be assigned to active Judges as a matter of convenience. However, when necessary and subject to the approval of the Judge to whom a Court Reporter is ordinarily assigned, a Court Reporter may be temporarily reassigned by the Clerk to another active Judge of the District, a senior Judge, a visiting District Judge, a Magistrate Judge, or to a land commissioner. A Court Reporter shall also report Grand Jury proceedings when required and directed by the Court. The Clerk shall endeavor to equalize the burdens of reporting duties set forth above. Each Court Reporter shall also, during regular work hours, remain accessible by telephone when not actively engaged in reporting in order to be summoned to the Court within thirty (30) minutes in the event of an emergency.

Substitute Reporting Services.

Every reasonable effort will be made through scheduling to reduce the need for temporary or contractual court reporting services. To the extent that the complement of regular Court Reporters cannot fulfill the reporting needs of this District, the Court will employ contract Court Reporters to satisfy the Court's additional requirements, subject to the approval of the Circuit Council and of the Administrative Office.

If a Court Reporter is disabled from service for bona fide medical reasons, a substitute Reporter will be provided at Court expense. However, absent prior approval by the Administrative Office, no Court Reporter may be maintained on sick leave status for more than thirty (30) days in the aggregate in any calendar year. Except as noted above, any necessary replacement reporter services required, including those necessitated by the demands of expedited, daily or hourly copy, shall be provided at the assigned Court Reporter's expense. Such expense shall not be passed on to litigants ordering transcripts, except to the extent authorized by the higher fees adopted by the Judicial Conference of the United States.

To the extent that the work of the Court permits, two or more official Court Reporters may cooperate and share the work necessitated by preparation of daily or hourly copy.

Place of Work, Hours, Notes.

All Court Reporters shall maintain regular hours of work between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday, excepting legal holidays, unless otherwise excused. All Court Reporters who are not in the Courthouse are expected to be available by telephone so that they may be summoned to the Courthouse within thirty (30) minutes in the event of an emergency.

Official Court Reporters shall maintain an office within the Courthouse so as to allow litigants reasonable and prompt access to make arrangements for ordering required transcripts.

All Court Reporters' notes shall be prepared in "note-readable" form. They shall be marked, filed and maintained within the Courthouse so as to be accessible by another Court Reporter in the event of an emergency. The notes of replacement or contract Reporters shall be suitably marked and filed with the Clerk when not being actively used by the Reporters.

Free-lance Reporting.

Free-lance reporting (i.e. reporting not required in the discharge of official duties) shall only be undertaken with the specific prior approval of the Court. In conducting such reporting, when authorized, neither Court facilities nor Court equipment may be used.

Fees for Transcripts.

The Clerk shall prominently post at the counter a schedule of fees currently authorized by the Judicial Conference of the United States for regular and expedited transcripts, as well as for daily or hourly copy. Such schedule shall list the per-page charge for originals and for copies, shall explain that one copy of each transcript ordered is to be filed within the Court for Court use at no expense to the litigants and shall note the number of lines to be included on each page for which a full charge is made and the margin requirements for those lines. The notice shall explain that an "expedited" transcript is one which is delivered within seven (7) calendar days after ordering. The Clerk shall also post a notice that any party who has reasonable cause to believe

that he/she may have been overcharged may in complete confidence seek review by the Clerk of the transcript and bill to verify the accuracy of the billing.

The Clerk shall, in each transcript paid for with Government funds (whether under the Criminal Justice Act or in civil appeals), review the transcripts filed and the bill submitted to ensure the correctness of the charges assessed.

The Clerk shall also post at the counter a notice listing the sanctions to be imposed for late delivery of transcripts ordered for appeals.

Time for Delivery of Transcripts.

All transcripts ordered for purposes of appeal are to be delivered within thirty (30) days of the date on which they are ordered and satisfactory arrangements are made for payment of the costs of their production, in accordance with Fed.R.App.P. 11(b). This time limitation may be extended only by the United States Court of Appeals for the Tenth Circuit. A showing of extreme or unusual circumstances will be required by the Court of Appeals to obtain such an extension.

The charge assessable to the ordering party for any transcript which is not delivered within thirty (30) days of the date on which it is ordered, or within an extension of that period, obtained in advance from the Court of Appeals, shall be reduced. The rate of reduction shall be one percent (1%) deducted from the total bill for each three (3) full days that the transcript remains undelivered to the Clerk beyond the due date. In the event such sanctions are imposed, the Court Reporter shall deliver to the Clerk a copy of the billing rendered to the ordering party, showing the total original net bill to be paid by the ordering party. A copy of each such bill shall be forwarded to the Court of Appeals after receipt and review by the Clerk.

Reports to be Filed.

Each official Court Reporter shall timely file with the Administrative Office the reports set forth below. In addition, a copy of each of these reports shall be filed with the Clerk, for the use of the Court, not later than thirty (30) days after the report is due to the Administrative Office. The Clerk shall maintain these copies in strict confidence, except as specifically directed by the Court acting en banc.

1) The Report of Attendance and Transcripts of United States Court Reporters (Form AO 40A) shall be submitted quarterly during each calendar year to the Fiscal Management Division of the Administrative Office of the United States Courts, Washington, D.C. 20544. It shall be mailed so as to arrive within twenty (20) days after the end of each quarter.

2) The Statement of Earnings of United States Court Reporters (Form AO 40B) shall be submitted annually to the Financial Management Division of the Administrative Office of the United States Courts, Washington, D.C. 20544. It shall be mailed so as to arrive within sixty (60) days after the end of each calendar year.

Rates of Court Reporters.

Rates to be charged by Court Reporters of this Court shall be as fixed from time to time by the Judicial Conference. Such rates shall be posted in the Court Clerk's office.

Sound Recording.

Where a Court Reporter is not readily available, electronic sound recording devices are hereby authorized. All proceedings before a Magistrate Judge may be recorded through use of electronic sound recording devices.

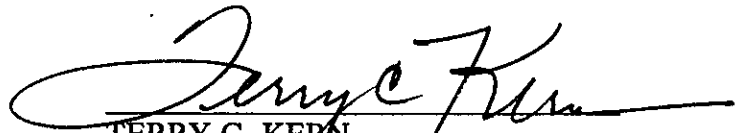
Transcripts of Sound Recorded Proceedings.

Transcripts of electronic sound recorded proceedings before a Magistrate Judge, and duplicate recordings of those proceedings, may be obtained through the Magistrate Judge's offices, upon prepayment of transcription and/or recording costs.

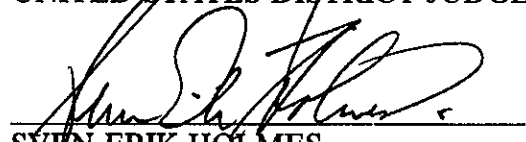
Dated this 11th day of August, 1995.



THOMAS R. BRETT, CHIEF
UNITED STATES DISTRICT JUDGE



TERRY C. KERN,
UNITED STATES DISTRICT JUDGE



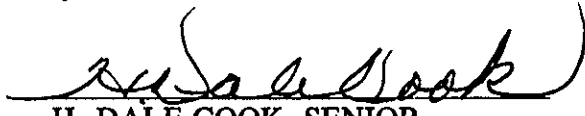
SVEN ERIK HOLMES,
UNITED STATES DISTRICT JUDGE



MICHAEL BURRAGE,
UNITED STATES DISTRICT JUDGE



JAMES O. ELLISON, SENIOR
UNITED STATES DISTRICT JUDGE



H. DALE COOK, SENIOR
UNITED STATES DISTRICT JUDGE